



ILLINOIS COMMERCE COMMISSION

November 7, 2002

The Honorable Erick Nickerson
Village President
Village of Dixmoor
170 W. 145th St.
Dixmoor, IL 60426

Dear President Nickerson:

On behalf of the Illinois Commerce Commission ("ICC"), I am writing to call to your attention a new legislative requirement related to local government public safety obligations. Specifically, the Governor signed a bill last year, unanimously approved by members of the Illinois House and Senate and effective July 1, 2002, that requires all underground utility facility owners and operators, including municipalities, to join the Joint Utility Locating Information for Excavators ("JULIE") system before Jan. 1, 2003. The law defines underground utility facilities as, "wires, ducts, fiber optic cable, conduits, pipes, sewers, and cables and their connected appurtenances installed beneath the surface of the ground..." (220 ILCS 50/2.2). If your municipality owns or operates any of those facilities, *Illinois law requires you to become a member of JULIE.*

According to amendatory language in the Illinois Underground Utility Facilities Damage Prevention Act, "the Illinois Commerce Commission has the power and jurisdiction to, and shall, enforce the provisions of the Act and may impose administrative penalties."

220 ILCS 50/11(f) states:

As provided by Section 3 of this Act, all owners or operators who fail to join the State-Wide One-Call Notice System by January 1, 2003 shall be subject to a penalty of \$100 per day for each separate offense. Every day an owner or operator fails to join the State-Wide One-Call Notice System is a separate offense.

JULIE is a not-for-profit organization that provides professional and non-professional excavators with a toll-free telephone number (1-800-892-0123) to call for the free locating and marking of underground facilities. JULIE currently has over 1,270 members and serves as a message handling service, taking information about planned excavations and distributing this information to its members. It is then the responsibility of each JULIE member to mark the location of its underground facilities at the excavation site.

JULIE does not charge an annual membership fee. Fees paid to JULIE by any of its members are based entirely on the number of locate requests JULIE receives that involve the underground facilities of that member (see www.julieonecall.com for details). JULIE would be happy to calculate your estimated membership cost based on historic locate requests in your area.



ILLINOIS COMMERCE COMMISSION

February 28, 2003

The Honorable Erick Nickerson
Village President
Village of Dixmoor
170 W. 145th St.
Dixmoor, IL 60426

Dear President Nickerson:

As of January 1, 2003, the Illinois Underground Utility Facilities Damage Prevention Act, 220 ILCS 50 ("the Act") requires all owners or operators of underground utility facilities to be members of the State-Wide One-Call Notice System, otherwise known as JULIE (220 ILCS 50/3).

Pursuant to 220 ILCS 50/11(f), those organizations that are required to be members of JULIE and are not members as of January 1, 2003, may be penalized by the Illinois Commerce Commission ("Commission") up to \$100 per day for this violation. *For example, as of February 28, 2003, the maximum penalty that could be assessed against such an organization stands at \$5,900, and is growing by \$100 per day.*

The Commission Staff is currently reviewing those organizations that it believes should be members of JULIE as of January 1, 2003. In this regard, Commission Staff believes that your organization falls within this category. However, from our review, it does not appear that your organization is a member of JULIE.

I would sincerely appreciate it if you would contact me by March 14, 2003, and indicate if your organization: (1) is currently a member of JULIE; (2) is in the process of becoming a member of JULIE; or (3) does not believe that you are required to be a member of JULIE, e.g., does not own or operate any underground facilities.

To the extent that we fail to receive any response to this correspondence from your organization by March 14, 2003, Commission Staff will issue a Notice of Violation to your organization assessing a penalty of up to \$100 per day from January 1, 2003, until the date that your organization becomes a JULIE member.

To begin the JULIE membership process, contact one of JULIE's Field Liaisons, either David Van Wy (847/635-7992 or 815/351-5002, Northern Illinois) or Raymond Muhs (618/662-2118 or 618/843-2513, Central and Southern Illinois). For your convenience, you can also contact the JULIE Public Relations Department at 815/741-5000 or visit the ICC Web site for a copy of the new JULIE Act at <http://eweb.icc.state.il.us/julie/>.

Thank you in advance for your cooperation. If you have any questions, please contact me at (217) 787-9141 or e-mail to briley@icc.state.il.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Riley".

Bill Riley
Manager, JULIE Enforcement,
Illinois Commerce Commission

**ILLINOIS COMMERCE COMMISSION**

June 11, 2003

Mr. Erick Nickerson
Village President
Village of Dixmoor
170 West 145th Street
Dixmoor, IL 60426

Notice of Violation – Case No. 0091-03

Dear Mr. Nickerson:

Pursuant to 83 Ill. Adm. Code 265.100, on May 13, 2003, a report was made to the Staff of the Illinois Commerce Commission ("Staff") regarding a possible violation of the Illinois Underground Utility Facilities Damage Prevention Act ("the Act") 220 ILCS 50/1 et seq. In the report, it was alleged that the Village of Dixmoor ("Dixmoor") had not become a member of the State-Wide One-Call Notice System as required by Section 3 of the Act. Staff investigated this matter and finds as follows:

1. Since July 1, 1991, Section 3 of the Act has required all owners or operators of underground utility facilities to be members of the State-Wide One-Call Notice System, otherwise known as JULIE. As of January 1, 2003, owners or operators of underground utility facilities who fail to join the State-Wide One-Call Notice System are subject to a penalty of \$100 per day, according to Section 11(f) of the Act.
2. Staff's understanding is that the records of the Illinois Environmental Protection Agency confirm that Dixmoor operates a municipal water system. Under Section 2.2 of the Act, these facilities meet the definition of underground utility facilities. Therefore, pursuant to Sections 3 and 11(f) of the Act, Dixmoor was required to be a member of JULIE as of January 1, 2003.
3. Staff determined that as of January 1, 2003, and continuing to this date, Dixmoor has not become a member of JULIE as required by Section 3 of the Act.
4. In a letter dated February 28, 2003, Staff informed Dixmoor of the requirement contained in Section 3 of the Act. That letter, in part, warned Dixmoor that failure to comply would result in a notice of violation and a penalty assessed against Dixmoor.

Pursuant to Section 11(f) of the Act, the Commission has the authority to penalize Dixmoor \$100 per day for this violation. As of the date of this letter, the penalty stands at \$16,000.

To resolve this violation, Dixmoor must either: (1) become a member of JULIE and pay the final penalty determined by Staff to be due as of the date that Dixmoor becomes a member of JULIE; or (2) otherwise show that the Act does not apply to Dixmoor. Dixmoor will have 30 days from

the date that the final penalty is determined, to remit payment of that amount to the Illinois Commerce Commission.

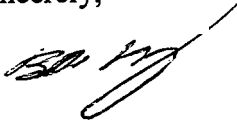
To begin the JULIE membership process, contact one of JULIE's Field Liaisons, either David Van Wy (847/635-7992 or 815/351-5002, Northern Illinois) or Raymond Muhs (618/662-2118 or 618/843-2513, Central and Southern Illinois). For your convenience, you can also contact the JULIE Public Relations Department at 815/741-5000

Dixmoor may contest Staff's findings by requesting an appearance before the Illinois Underground Damage Prevention Advisory Committee ("Advisory Committee"). At such a meeting, Dixmoor may request the Advisory Committee to consider any additional information, evidence or matters regarding this violation. The Advisory Committee meets monthly at the Commission offices in either Chicago or Springfield, Illinois. If you wish to contest Staff's findings on this matter, please contact me at (217) 782-5911 before July 11, 2003, so that the matter may be placed on the Advisory Committee's agenda as soon as possible.

If you fail to become a JULIE member and remit payment to the Commission as determined by Staff, or contact me by July 11, 2003, Staff will take this matter to the Advisory Committee for further action.

If you have any questions or require further details, please feel free to contact me at (217) 782-5911.

Sincerely,



Bill Riley, Manager
JULIE Enforcement,
Illinois Commerce Commission

Cc: Mr. Kevin Chmura, JULIE, Inc.

State of Illinois



ILLINOIS COMMERCE COMMISSION

August 26, 2003

Mr. Erick Nickerson
Village President
Village of Dixmoor
170 West 145th Street
Dixmoor, IL 60426

Notice of Hearing – Case No. 0091-03

Dear Mr. Nickerson:

On June 11, 2003, The Illinois Commerce Commission Staff ("Staff") issued a Notice of Violation to the Village of Dixmoor ("Dixmoor") regarding a violation of section 3 of the Illinois Underground Utility Facilities Damage Prevention Act ("the Act"), 220 ILCS 50/3. The Notice of Violation advised Dixmoor to Comply with the Act. Now more than two months later, Dixmoor is still not a participant in the State-Wide One-Call Notice System as required by section 3 of the Act. As indicated in the June 11 Notice of Violation, section 11(f) of the Act provides for a \$100 per day penalty for this violation. As of this date, the penalty stands at \$23,700.

Due to Dixmoor's inaction on this matter, pursuant to 83 Illinois Administrative Code part 265.230, Staff hereby provides notice to Dixmoor that on September 11, 2003, case number 0091-03 is scheduled to be heard by the Underground Damage Prevention Advisory Committee ("Committee"). The meeting is scheduled to begin at 10:30am at the Commission's Chicago office located on the 8th floor of the State of Illinois Building, 160 North LaSalle Street, Chicago, Illinois. Advisory Committee Meetings are open to the public and are subject to the requirements of the Illinois Open Meetings Act.

The hearing of each case will proceed as follows:

1. The ICC's Staff Investigator will present the case and Staff's findings to the Committee.
2. Dixmoor will then have an opportunity to address the Committee and present any additional information, evidence or matters in extenuation and mitigation Dixmoor wishes to be considered.
3. If the Committee so chooses, it may also hear from other parties who may have information relevant to the incident.
4. The Committee will consider the evidence presented to it and either enter a decision, or if necessary, request additional information and hold the case over to the next meeting.
5. Staff will inform Dixmoor, in writing, of the Committee's decision.

Please arrive for the Committee meeting by 10:30am. Cases will be heard as they are listed on the agenda. If you are not in attendance when it is time for your case, the case presentation and consideration by the Committee will proceed as scheduled. A copy of the Committee's agenda will be available on the ICC's JULIE Enforcement website under the "Meeting Schedule" heading at <http://eweb.icc.state.il.us/julie/> .

If you have any questions, please feel free to contact me at (217) 782-5911.

Sincerely,

Bill Riley, Manager
JULIE Enforcement

Cc: Mr. Kevin Chmura, JULIE, Inc.

State of Illinois



ILLINOIS COMMERCE COMMISSION

September 12, 2003

Mr. Erick Nickerson
Village President
Village of Dixmoor
170 West 145th Street
Dixmoor, IL 60426

Notice of Advisory Committee Decision – Case No. 0091-03

Dear Mr. Nickerson:

On June 11, 2003, the Staff of the Illinois Commerce Commission (“Staff”) issued a Notice of Violation to the Village of Dixmoor (“Dixmoor”) that explained Staff’s findings in this matter. On August 26, 2003, Pursuant to 83 Illinois Administrative Code part 265.230, Staff sent notice to Dixmoor that case number 0082-03 was scheduled to be heard by the Illinois Commerce Commission’s Underground Damage Prevention Advisory Committee (“Committee”) at its September 11, 2003, meeting.

At the Committee’s September 11, 2003, meeting, Staff presented its findings in this matter to the Committee. Staff indicated that as of September 11, 2003, Dixmoor continues to be in violation of section 3 of the Illinois Underground Utility Facilities Damage Prevention Act (“the Act”). Section 3 of the Act (220 ILCS 50/3) requires the owners or operators of underground utility facilities that are not already participants in the State-Wide One-Call Notice System (“JULIE”) to join JULIE by January 1, 2003. Staff recommended to the Committee that if Dixmoor becomes a JULIE member in the next 30 days, a penalty of \$490 be assessed. After hearing statements from Staff, the Committee found that Dixmoor is in violation of section 3 of the Act and voted to adopt Staff’s recommended penalty of \$490.

Pursuant to 83 Ill. Adm. Code 265.310, Staff hereby provides notice that the Committee has found that Dixmoor is in violation of section 3 of the Act (220 ILCS 50/3). The Committee has assessed a penalty in the amount of \$490 for this violation.

In order to resolve this matter, Dixmoor has two options. The first option is for Dixmoor to become a member of JULIE **and** remit a check or money order in the amount of \$490, no later than October 13, 2003. The check or money order should be made payable to the Illinois Commerce Commission and mailed to:

Financial Information Section
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

In terms of the second option, Dixmoor may contest the Committee's decision by requesting a hearing before the Illinois Commerce Commission. This proceeding will be conducted in conformity with Article X of the Illinois Public Utilities Act, 83 Ill. Adm. Code 200 and 83 Ill. Adm. Code 265.410. In Commission hearings, parties are generally represented by legal counsel, but it is not required. If you wish to contest the Committee's decision on this matter, please contact me at (217) 782-5911 before October 13, 2003.

If Dixmoor fails to become a member of JULIE or remit payment by October 13, 2003, Staff will initiate a formal adjudicatory proceeding pursuant to 83 Ill. Adm. Code Part 265.310 and 265.400. If Dixmoor is not a member of JULIE by October 13, 2003, it is likely that in any subsequent proceedings, Staff would recommend a larger penalty than that being assessed here.

To begin the JULIE membership process, contact one of JULIE's Field Liaisons, either David Van Wy (847/635-7992 or 815/351-5002, Northern Illinois) or Raymond Muhs (618/662-2118 or 618/843-2513, Central and Southern Illinois). For your convenience, you can also contact the JULIE Public Relations Department at 815/741-5000

If you have any questions, please feel free to contact me at (217) 782-5911

Sincerely,

Bill Riley, Manager
JULIE Enforcement

Cc: Kevin Chmura, JULIE, Inc.